
CARMEL CITY CODE
CHAPTER 10: ZONING & SUBDIVISIONS
ARTICLE 1: ZONING CODE
CARMEL ZONING ORDINANCE
CHAPTER 25: ADDITIONAL USE REGULATIONS

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25.00 Additional Use Regulations.

25.01 Accessory Buildings and Uses.¹

25.01.01: Residential Districts.

- A. Accessory Buildings and Uses Generally. Accessory Buildings and Uses customarily and purely incidental to the uses allowed in a given district are permitted provided that:
 - 1. Accessory Buildings and Uses shall not alter or change the character of the premises;

¹ Section 25.01 amended per Ordinance No. Z-369-02, §ar-au; Z-486-06 §j.

2. Accessory Buildings and Uses shall be on the same lot as the Principal Building to which they are accessory;
3. Accessory Buildings shall not be attached to the Principal Building, with the exception of an allowable uniform and continuous roof supported by customary supports or joists, and no other connection or attachment between the structures exists;
4. Timing:
 - a. No Accessory Building shall be constructed upon a lot until the construction of the Principal Building has actually commenced; and,
 - b. No Accessory Building shall be used unless the Principal Building on the Lot is also being occupied for the intended purposes.
 - c. However, nothing shall prevent the use of a Temporary Construction Facility for the storage of tools, material and equipment by a contractor during building construction;

B. Height and Area Requirements.

1. Maximum Height. Eighteen (18) feet.
2. Minimum Lot Area. Per underlying zoning district.
3. Minimum Lot Standards.
 - a. Minimum Front Yard.
 - i. Except as otherwise provided for Corner and Through Lots, when detached from the Principal Building, Accessory Buildings shall be set back a minimum of the greater of the following:
 - (a) twenty-five (25) feet behind the Front Line of Building;
 - (b) twenty-five (25) feet behind the Building Setback Line.
 - ii. On Corner Lots no residential Accessory Building may be erected:
 - (a) forward of any Front Line of Building of the Principal Building, or
 - (b) in any required Minimum Front Yard.
 - iii. On Through Lots no Accessory Building may be erected:
 - (a) forward of the Front Line of Building of the front façade of the Principal Building, or
 - (b) in the required Minimum Front Yard located to the rear of the Principal Building.
 - b. Minimum Side and Rear Yards.
 - i. When more than ten (10) feet from a Principal Building, Accessory Buildings shall be set back a minimum of the greater of the following:
 - (a) Five (5) feet, or

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- (b) Easement plus three (3) feet, but not within any Easement or required landscaped or greenbelt area.
 - ii. When closer than ten (10) feet to a Principal Building, Accessory Buildings shall be considered as part of the Principal Building and shall be provided with the Side and Rear Yards required for the Principal Building.
 - 7. Maximum Lot Coverage. The combined square footage of all Dwellings, Private Garages and Accessory Buildings on a given Lot shall not exceed thirty-five percent (35%).
 - 8. Maximum Gross Floor Area. The combined square footage of a Private Garage and/or Accessory Building shall not exceed the living area of the Principal Building.
 - 9. Lighting. No lighting shall cause Illumination at or beyond any Lot Line in excess of 0.1 Footcandle of light.
 - C. Accessory Uses.
 - 1. Exceptions. Accessory Uses such as public utility installations, private walks, driveways, retaining walls, mail boxes, nameplates, lamp posts, birdbaths and structures of a like nature are permitted in any required Front, Side or Rear Yard.
 - 2. Multi-family Districts.
 - a. Trash Receptacles. Trash receptacles must be enclosed on all four (4) sides and be screened with landscaping to a minimum height of dumpster and/or compactor plus two (2) feet.
 - 3. Private radio and television reception and transmitting towers and antennas.
 - a. Permitted subject to applicable local, state and federal regulations.
 - b. No structure shall be located or permitted within ten (10) feet of a power transmission line.
 - 4. Guest House.
 - a. One (1) Guest House with cooking facilities may be permitted as an Accessory Building on Lots containing not less than one (1) acre.
 - 5. Servants Quarters.
 - a. Quarters for *bona fide* servants employed by the occupants of the Dwelling are permitted.
 - 6. Tennis courts.
 - a. Shall be located only within a Side or Rear Yard.
 - b. Fencing. Open wire mesh fences surrounding tennis courts may be erected to a height of sixteen (16) feet if such fences only enclose a regulation court area and standard apron areas.
 - 7. Private Garage. Where a Private Garage is entered from an Alley, it must be set back a minimum of three (3) feet from the alley easement or right-of-way line.

8. Private Swimming Pool.

- a. Minimum Side and Rear Yard Setbacks. A swimming pool or its deck shall be set back a minimum of the greater of the following:
 - i. Ten (10) feet from the Side and/or Rear Lot Line or
 - ii. the Minimum Side and/or Rear Setback for the district.
- b. Safety. For purposes for safety, the following shall apply:
 - i. Walls or Fencing. Walls or fencing deemed to be impenetrable by the enforcing authority, that is not less than five (5) feet high completely surrounding the swimming pool and the deck area with exception of self-closing and latching gates and doors, both capable of being locked;
 - ii. Other Means. Other means not less than five (5) feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not used; and
 - iii. Combination. A combination of *Subsections (i) through (ii)* that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked; or
 - iv. Pool Cover. A safety pool cover may be used provided that:
 - (a) there is a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 - (b) it is mechanically operated by key or key and switch such that the cover cannot be drawn upon or retracted without the use of a key;
 - (c) it is capable of supporting a four hundred (400) pound imposed load upon a completely drawn cover;
 - (d) it is installed with a track, rollers, rails or guides;
 - (e) it bears an identification tag indicating the name of the manufacturer, name of the installer, installation date, and applicable safety standards, if any.
 - (f) that it is in compliance with the Indiana swimming pool code, 2d Edition, effective date September 13, 1989, as amended.

25.01.02 Business, Industrial, and Manufacturing Districts.

- A. Accessory Buildings and Uses Generally. Accessory Buildings and Uses customarily and purely incidental to the uses allowed in a given district are permitted provided that:
 - 1. Accessory Buildings and Uses do not alter or change the character of the premises;
 - 2. Accessory Buildings and Uses are on the same lot as the Principal Building to which they are accessory;

3. Accessory Buildings are not attached to the Principal Building, with the exception of an allowable uniform and continuous roof supported by customary supports or joists, and no other connection or attachment between the structures exists;
4. Timing:
 - a. No Accessory Building shall be constructed upon a lot until the construction of the Principal Building has actually commenced; and,
 - b. No Accessory Building shall be used unless the Principal Building on the Lot is also being occupied for the intended purposes.
 - c. However, nothing shall prevent the use of a Temporary Construction Facility for the storage of tools, material and equipment by a contractor during building construction;

B. Height and Area Requirements.

1. Maximum Height. Twenty-five (25) feet.
2. Minimum Lot Area. Per underlying zoning district.
3. Minimum Lot Standards.
 - a. Minimum Front Yard Setback.
 - i. When detached from the Principal Building, Accessory Buildings shall be set back a minimum of the greater of the following:
 - (a) twenty-five (25) feet behind the Front Line of Building;
 - (b) twenty-five (25) feet behind the Building Setback Line.
 - b. Minimum Side and Rear Yards.
 - i. When more than ten (10) feet from a Principal Building, Accessory Buildings shall be set back a minimum of the greater of the following:
 - (a) Five (5) feet, or
 - (b) Easement plus three (3) feet, but not within any Easement or required landscaped or greenbelt area.
 - ii. When closer than ten (10) feet to a Principal Building, Accessory Buildings shall be considered as part of the Principal Building and shall be provided with the Side and Rear Yards required for the Principal Building.
7. Maximum Lot Coverage.
 - a. The combined square footage of the Principal Buildings, Garages and Accessory Buildings shall not exceed the Maximum Lot Coverage allowed in the given district.
 - b. Accessory Buildings and Uses located in a Side or Rear Yard may not occupy more than thirty percent (30%) of the Side or Rear Yard.
8. Maximum Gross Floor Area. Reserved.

9. Lighting. Lighting shall not cause Illumination beyond any residential Lot Line or road right-of-way line in excess of 0.1 Footcandle of light. Lighting shall not cause Illumination beyond any non-residential Lot Line or road right-of-way line in excess of 0.3 Footcandle of light.

C. Accessory Uses.

1. Exceptions. Accessory Uses are permitted in the required Front Yard in all Business, Industrial, and Manufacturing districts.
2. Business, Industrial, and Manufacturing Districts.
 - a. Trash receptacles. Trash receptacles must be enclosed on all four (4) sides and be screened with landscaping to a minimum height of dumpster and/or compactor plus two (2) feet.
3. Garage. Where a Garage is entered from an Alley, it must be set back a minimum of three (3) feet from the alley easement or right-of-way line.

25.02 Fences.²

25.02.01 On residentially used or zoned lots of less than two acres, fences located within any required front yard shall not exceed forty-two (42) inches in height, as measured from the topmost point thereof to the ground adjacent to the fence. At least twenty-five percent (25%) of its area shall be open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence, except where solid stone or brick walls are permitted. No primarily wooden fences shall be constructed within any required front yard adjacent to any arterial, parkway or collector roadway (*see also Subdivision Control Ordinance Section, 6.03.27*),

25.02.02 Residential fences located within any required side or rear yard shall not exceed six (6) feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

25.02.03 Residential fences not located within any required yard but within the buildable area shall not exceed nine (9) feet in height, as measured from the topmost point thereof to the ground adjacent to the fence.

25.02.04 Any fence placed upon an erected earth berm or masonry wall must govern its height as measured to the ground adjacent to said earth berm or wall.

25.02.05 Open wire mesh fences surrounding tennis courts may be erected to a height of sixteen (16) feet, if such fences shall only enclose a regulation court area and standard apron areas.

25.02.06 Fences enclosing an institution, a public park, schools, and commercial or industrial property may consist of an open mesh fence not to exceed a height of ten (10) feet.

25.02.07 No sign, fence, wall, shrub or other obstruction to vision shall exist in the area designated as the vision clearance area of corner lots.

25.02.08 No fence shall be constructed within the approved subdivision retention/detention drainage facility easement.

25.02.09 No fence shall be constructed within the twenty-foot (20') mandatory planting strip associated with frontage places and hammerheads.

² Section 25.02 amended per Ordinance No. Z-318; Z-365-01; Z-486-06 §k.

25.02.10Swimming Pools. In districts where a private swimming pool is permitted as an Accessory Use, the fencing for such pool must comply with both this *Section 25.02* and the standards applicable in the district. Whenever the Board grants Special Use approval to a private recreational development or facility that includes a swimming pool, the Board shall require appropriate fencing and shall also require the applicant to make a Commitment that necessary lifeguard protection will be provided at all times when the pool is open for use.

25.03 Mobile Home Courts.

25.03.01 Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than five thousand (5,000) square feet and a width of not less than fifty (50) feet, and each mobile home court shall provide a total gross court area of not less than five (5) acres. The maximum gross density of the court shall be ten (10) units per gross acre.

25.03.02 Each mobile home site shall abut or face a clear unoccupied space, driveway, public or private roadway, or street of not less than twenty (20) feet in width, which shall have unobstructed access to a public highway or street.

25.03.03 Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated. Each mobile home unit shall have two (2) parking spaces.

25.03.04 The mobile home court shall be surrounded by a fifty-foot (50') wide landscaped strip.

25.03.05 A planting screen six (6) feet high is required where a mobile home court abuts a residential district.

25.03.06 The mobile home court shall provide a water distribution system and a sanitary collection system with connection to a public sanitary system.

25.03.07 Adequate storm water drainage by surface and subsurface means shall be provided.

25.04 Recreational Vehicles.³

25.04.01 Recreational vehicles may not be stored any closer to a lot line than three (3) times the maximum height of the recreational vehicle, except when completely enclosed. Non-motorized recreational vehicles may not be stored on a public right-of-way at any time. Motorized recreational vehicles may be stored on a public right-of-way for a period not to exceed ten (10) days per month.

25.04.02 At no time shall parked or stored vehicles be occupied or used for habitation as defined herein.

25.04.03 The owner of a recreational vehicle shall not park or store such vehicle in such a manner as to create a dangerous or unsafe condition on the property where parked or stored. Parking or storage of the recreational vehicle while not locked or chocked, whether loaded or not, shall be considered a dangerous and unsafe condition.

25.04.04 No recreational vehicle shall be connected to gas, electric, water or sanitary sewer service for purposes of habitation, except as cited herein.

25.04.05 Non-resident recreational vehicles may be parked in a front yard or driveway, not on the public right-of-way and used for habitation, including temporary connection to any appropriate utilities, for a period not to exceed ten (10) days per month.

³ See *Chapter 22: Flood Hazard Districts* for additional regulations regarding Recreational Vehicles.

25.05 Weeds and Solid Wastes.

25.05.01 All developed or improved property in the Business, Industrial and Manufacturing Districts, and all developed or improved residential lots, shall be maintained so as to be free of weeds and other unsightly growth of plant materials.

25.05.02 Trash, garbage and all solid wastes shall not be stored outside of any building for a period of longer than seven (7) days, except when construction is in progress.

25.06 Grading.

Grading, filling, excavating or any change in the grade of any property is permitted, but shall not be detrimental to surrounding properties in appearance or in the diversion of storm water.

25.07 Signs.

Signs shall be in accordance with the Carmel-Clay Township Sign Ordinance.⁴

25.08 Construction Facilities, Temporary.⁵

Temporary Construction Facilities, which shall include temporary construction offices, temporary storage units, and temporary sales facilities shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*.

25.08.01 Temporary Construction Facilities require a temporary use permit however shall not be assessed the temporary use permit fee.

25.08.02 The duration of the temporary construction facility shall be fixed by the Director for a term not to exceed eighteen (18) months. However, upon request and upon a site inspection, the Director may extend such a permit for a length of time deemed appropriate not to exceed eighteen (18) months per extension.

25.08.03 Temporary Construction Facilities shall be removed and permits shall expire within thirty (30) days of the issuance of a Certificate of Occupancy for the related construction project.

25.08.04 Temporary Construction Facilities utilized as a temporary sales facility shall be fixed by the Director for a term not to exceed four (4) months or upon the issuance of a Certificate of Occupancy for a model home, whichever is less.

25.08.05 Temporary Construction Facilities applications intended to be utilized as a temporary sales facility must be submitted concurrently with a model home or temporary sales center application as regulated under *Section 25.16: Model Homes*.

25.08.06 Signs for Temporary Construction Facilities shall be prohibited except for facilities being utilized as a temporary sales facility which shall be subject to the model home sign regulations as provided by *Section 25.07.03-07: Model Home & Temporary Sales Office Identification Signs* of this Ordinance.

25.08.07 The Director shall ensure prior to issuing a Temporary Construction Facility permit, that:

- A. If the temporary facility serves multiple properties, that the lot of which the facility is located is not visually prominent from a primary project entryway;

⁴ Ordinance No. Z-302, as amended.

⁵ Section 25.08 amended per Ordinance No. Z-461-04, §b.

- B. Adequate access and off-street parking will be provided;
- C. The placement of the temporary facility on the site shall not obstruct any Vision Clearance;
- D. The applicant has supplied the mobile unit certification number issued from State Fire Prevention & Building Safety, Division of Code Enforcement; and
- E. The applicant has supplied a copy of the mobile unit structure plans.

25.09 Drainage.

Any obstruction of the natural flow of drainage in the jurisdictional area of this Ordinance is prohibited.

25.10 Required Community Facilities.

When community facilities (water, sanitary sewer, and storm sewer) are required in a particular zone district and one or all of the public systems are unable to support an additional load, the Plan Commission may grant approval for use of an alternative method of providing the service or services with the provision that public facilities will be utilized when they become available.

25.11 Principal Dwelling Structure - Minimum Width.

All single family or duplex dwelling units shall be required to be constructed with a width of no less than twenty-three (23) feet.

25.12 Satellite Receiving Antennas.⁶ (Maximum Height 15 Feet)

25.12.01 Development Standards:

1. Satellite receiving antennas shall be permitted within all zoning districts of the City of Carmel and Clay Township subject to all applicable Federal, State, local and manufactures codes and guidelines with the following regulations as well as any and all review and approval procedures within the Carmel/Clay Zoning Ordinance.
2. All ground-mounted satellite receiving antennas shall be located only within the rear yard of any residential and commercial principal structure as defined by the Carmel/Clay Zoning Ordinance.
3. Satellite receiving antennas shall not be allowed on the roof of any principal or accessory structure.
4. Only one (1) satellite receiving antenna shall be located on any one lot.
5. A satellite receiving antenna and support structure shall be limited to a maximum height of fifteen (15) feet.
6. A satellite receiving antenna having printed matter on its surface shall be treated as a sign relative of the Carmel-Clay Township Sign Ordinance.
7. An Improvement Location Permit shall be required prior to the erection of a satellite receiving antenna greater than twenty-four (24) inches in diameter.

⁶ Section 25.12 amended per Ordinance No. Z-320; Z-365-01; Z-369-02, §ay.

8. All cables, wires and connectors from a satellite receiving antenna to other equipment shall be buried underground.
9. A satellite receiving antenna shall not be located within five (5) feet of any property line, easement or public right-of-way.
10. All satellite receiving antennas shall be obscured from the view of adjacent property owners of public rights-of-way by: buildings, screen wall, fence, berm, evergreen planting or any combination thereof. Such screening devices shall be at least eighty percent (80%) obscuring when viewed from adjacent property or public road right-of-way, as approved by the Department, Plan Commission and/or Board of Zoning Appeals when applicable.
11. All satellite receiving antennas shall be neutral or black in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood.

25.12.02 Application for Permit Requirements:

1. A Plot Plan showing the proposed location of the satellite receiving antenna.
2. A Site Plan, showing not only the building locations of the land parcel, but also building locations of properties on all sides of the subject land parcel.
3. A statement that the installation complies with all applicable building and electrical codes.
4. Once installed, the satellite receiving antenna shall be inspected by the Department for compliance with all applicable requirements.

25.13 Towers.⁷

25.13.01 Development Standards:

1. Zoning.
 - A. Business Industrial and Manufacturing Districts. Towers shall be permitted as Special Uses only in the Business, Industrial, and Manufacturing Districts, and as such are subject to the approval of the Board of Zoning Appeals under *Chapter 21: Special Uses & Special Exceptions* of the Zoning Ordinance.
 - i. Business Districts. A Tower must meet all setback requirements of the district in which it is erected. No Tower may be erected between a Principal Building and a Street.
 - ii. Industrial and Manufacturing Districts. A Tower may encroach into the required Rear Yard so long as the Rear Lot Line does not abut a Residential District. No Tower may be erected between a Principal Building and a Street, except in the required Side Yard in Manufacturing or Industrial Districts.

⁷ Section 25.13 amended per Ordinance No. Z-320; Z-369-02, §az.

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- B. Residential Districts. Towers shall be permitted in the Residential Districts only as Special Exceptions, and as such are subject to the approval of the Board of Zoning Appeals under *Chapter 21: Special Uses & Special Exceptions* of the Zoning Ordinance. If a Tower is permitted as a Special Exception in a Residential District, the tower must be built:
- i. not less than one hundred (100) feet, plus one (1) additional foot for every for every foot of the Tower's height, from the property line of any parcel zoned and/or used for residential purposes, and
 - ii. not less than one-half (½) mile from any other existing or approved Tower on which collocation is possible.
 - iii. No Tower may be erected between a Principal Building and a Street.
- C. Overlay Zones. If a Tower is located in an Overlay Zone, it shall also be subject to Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) approval in accordance with the Development Standards established for that Overlay Zone.
2. Lighting. A tower may not be illuminated by artificial means or display strobe lights unless such lighting is specifically required by federal or state law for that tower. However, when incorporated into the approved design of a tower, light fixtures that are used to illuminate athletic fields, parking lots, stadiums, or other such facilities may be attached to the tower.
 3. Landscaping. A fifteen-foot (15') landscaped and maintained area, composed of trees not less than two and one half (2½) inches (caliper) in size (measured at forty (40) inches and spaced fifty (50) feet on center), and including a solid visual buffer or screen of at least five (5) feet in height, shall be provided on all sides of a tower, unless otherwise determined by the Commission (pursuant to ADLS review) or unless otherwise required by the Board for Special Use or Special Exception.
 4. Signage. No sign (other than a warning or equipment information sign needed for health and safety purposes) may be affixed to a tower.
 5. Interference. Any telecommunications services provided or transmitted via a tower must comply with all federal and state laws regulating interference levels and emissions.
 6. Collocation. In the case of an application for a Special Use or Special Exception seeking approval for the erection of a new tower, the Board shall, before approving such Special Use or Special Exception, require the applicant to make a written commitment that:
 - a. if technologically feasible, the tower will be designed and erected in such manner that it can reasonably accommodate the equipment of up to four (4) wireless telecommunications service providers (however, if a public agency wants to locate its equipment on the tower, the agency may be counted as one of those service providers);
 - b. the owner of the tower will offer to any wireless telecommunications service provider that seeks to collocate its equipment on the tower commercially reasonable lease or license terms, so as to accomplish the purpose of minimizing the number of such towers that must be erected in the Carmel/Clay community, and agree to submit any disputes regarding the commercial reasonableness of such terms to binding arbitration; and
 - c. the owner of the tower will notify the Director within thirty (30) days after any oral or written communication from a wireless telecommunications service
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provider inquiring about collocation on the tower, providing the Director with the name and address of the provider making the inquiry.

7. Enforcement. A commitment made under subparagraph (6) above shall be recorded pursuant to state statute and may be enforced by the Board, by the Director, or by any wireless telecommunications service provider that desires to collocate its equipment on the tower subject to the commitment. If, after thirty (30) days notice from the Board, a person subject to a binding commitment refuses to honor or abide by such commitment, the Special Use or Special Exception approval shall be revoked by the Board.

25.13.02 Submittal Requirements:

1. Plot Plan. An application for a permit to erect a tower must include a Plot Plan showing the proposed location of the tower.
2. Site Plan. An application for a permit to erect a tower must include a Site Plan that shows not only the locations of all structures on the subject parcel but also the locations of all structures on adjacent parcels.
3. Code Compliance. An application for a permit to erect a tower must include a report from a qualified professional engineer that:
 - a. describes the tower height and design including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for collocation of equipment and the minimum recommended separation distances between wireless telecommunications service antennas;
 - c. describes the tower's capacity, including the number and types of antennas that it can accommodate;
 - d. documents that the applicant will operate the tower and any attached antennas in compliance with applicable federal and state law;
 - e. documents that the applicant has, before filing the application, investigated the possibility of collocation with the owners of all other towers in the vicinity; and
 - f. includes any other information that may be reasonably requested by the Director as necessary to evaluate the application.
4. Inspection. Before a tower is placed in service, the owner must submit to the Director a report from a qualified professional engineer that demonstrates that the tower complies with all structural and electrical standards.

25.13.03 Abandonment of Tower.

If a tower is abandoned or remains unused for a period of six (6) months, the owner shall remove the tower and all associated facilities from the site. Such removal shall be completed within twelve (12) months of the cessation of operations at the site. In the event that a tower is not removed within the required twelve (12) month period, the Director may remove the tower and the associated facilities, and the costs of such removal shall be assessed against the owner of the parcel.

25.13.04 Nonconforming Use.

Any tower or radio or television transmission antenna in existence or operation as of the effective date of this amendatory ordinance⁸ may continue to exist and operate as a nonconforming use. Such a tower or antenna may be repaired, reconstructed, replaced or maintained without a Use Variance or Special Use or Special Exception approval so long as the use is not substantially

⁸ Ordinance No. Z-320 effective July 11, 1997.

altered and the height of the antenna or tower is not increased. This paragraph authorizes the owner of a tower or antenna to construct a new tower or antenna on the same premises at a height not to exceed the existing tower or antenna if the use of the premises is not substantially altered and the existing tower or antenna is removed immediately upon completion of the new tower or antenna.

25.13.05 Transitional Provisions.

This paragraph applies to any application for a Variance to erect a tower which is pending before the Board on the effective date of this amendatory ordinance.⁹ The applicant may request that the Board treat such a Variance application as if it were a Special Use or Special Exception application filed pursuant to the above provisions of this *Section 25.13*. If the Board grants such a request, the application shall then be approved or rejected by the Board in accordance with *Section 21.04.01* (Special Uses) or *Section 21.04.02* (Special Exceptions), as added by this amendatory ordinance. **This paragraph expires December 31, 1997.**

25.14 Premises Identification.¹⁰

Premises Identification required.

A. Purpose.

It is hereby declared to be the purpose of this Chapter to require Premises Identification for buildings within the City of Carmel and those areas within unincorporated Clay Township, and set enforcement provisions for failure to display said identification.

B. Definitions.

Terms used in this Ordinance are defined in *Chapter 3: Definitions*.

- C. 1. The assigned premises identification of a building shall be displayed in such a manner so that the numerals can readily be seen from the street pursuant to the provisions of *Zoning Ordinance No. Z-302* commonly known as the Carmel/Clay Sign Ordinance. Identification shall be displayed on the building, on or near the main entrance door, or displayed on a mailbox near the street in such a manner as they identify corresponding building.
2. Any dwelling or commercial building that abuts an alley or secondary access that could be used by motor vehicles must not only display the premises identification on the front, but shall also display its premises identification visible from the alternate access to the property.
3. When the numerals representing premises identification are removed or become illegible, such numerals shall be renewed or replaced by the owner or occupant of the building.
4. The provisions of this article requiring premises identification shall apply to all existing residential and commercial structures within Carmel/Clay.

D. Enforcement.

1. It shall be the duty of the owner of any building in Carmel/Clay to comply with all provisions of this Article relating to the placing and maintaining of premises identification numerals.
2. Any person, being the owner of any building in Carmel/Clay, who neglects or refuses to place or maintain the proper numerals for any building owned, managed or occupied by

⁹ Ordinance No. Z-320 effective July 11, 1997.

¹⁰ Section 25.14 adopted per Ordinance No. Z-307. Amended per Ordinance No. Z-365-01; Z-416-03, §d-e.

such person in conformity with the provisions of this Article, shall be in violation of this Article.

3. The provisions of this Zoning Ordinance requiring premises identification may be enforced by the Administrator, or the Fire Chief of Carmel/Clay, or by the Director of the Department of Communications.

E. Schedule of Code Provisions and Penalties.

1. Any person who violates the provisions of this Code is subject to a written warning for first violation, explaining how to correct the violation and explaining subsequent violation penalties.
2. Any person who is judged to have violated the provisions of this Code after thirty (30) days of a written warning is subject to a fine of up to one hundred dollars (\$100.00).
3. All provision and respective civil penalties are designed for enforcement through the Carmel City Court, City of Carmel, Indiana.

F. Savings Clause.

Should any provision of this Section be determined by any Court of competent jurisdiction to be unenforceable, the remaining provisions shall remain in full force and effect, the same as if the unenforceable provision were deleted from the Section.

25.15 Sexually Oriented Businesses.

25.15.01 Development Standards:

- (1) Zoning. A Sexually Oriented Business (SOB) shall be permitted only in the M-1/Manufacturing District and only as a Special Use, and as such is subject to the approval of the Board under *Chapter 21: Special Uses & Special Exceptions* of the Zoning Ordinance.
- (2) Commitments by Owner. In the case of an SOB application which seeks approval for the erection of a new building, the Board shall, before approving such Special Use, require the applicant to make written Commitments that:
 - (a) the building will be designed and erected in such manner that it can reasonably accommodate up to three (3) additional SOBs within the same building;
 - (b) the owner of the building will offer commercially reasonable lease terms to any other SOB owner that seeks to collocate its business in the building, so as to accomplish the purpose of minimizing the number of such buildings that must be erected in the Carmel/Clay community, and will agree to submit any disputes regarding the commercial reasonableness of such terms to binding arbitration;
 - (c) the owner of the building will notify the Director within thirty (30) days after any oral or written communication from another SOB owner inquiring about collocation within the building, providing the Director with the name and address of the owner making the inquiry; and
 - (d) the owner of the building will notify the Director within thirty (30) days after any SOB located in the building goes out of business or is abandoned, and will agree to remove from the building all supplies and equipment that were used by such SOB, and to remove from the site all associated facilities. The Commitment must require that such removal be completed within sixty (60) days of the cessation of SOB operations at the site, and must authorize the Director, in the event that supplies, equipment, and facilities are not removed

within the required sixty-day period, to enter upon the premises and remove the supplies, equipment, and facilities, with the costs of such removal to be assessed against the owner of the parcel.

- (3) Enforcement. A Commitment made under *Subparagraph (2)* above shall be recorded pursuant to state statute and may be enforced by the Board, by the Director, or by any SOB owner that desires to collocate its business in the building subject to the Commitment. If, after thirty (30) days notice from the Board, a person subject to a binding Commitment refuses to honor or abide by such Commitment, the Special Use approval shall be revoked by the Board.

25.15.02 Submittal Requirements:

- (1) Plot Plan. In addition to the submittal requirements for any other Special Use, an application for approval of any SOB must include an Area Plan that shows not only the locations of all structures on the subject parcel, but also the locations of all structures on adjacent parcels.
- (2) Code Compliance. The application must:
 - (a) document that the applicant will operate the SOB in compliance with all applicable federal and state laws;
 - (b) document that the applicant has, before filing the application, investigated the possibility of collocation with all other SOB owners in the Carmel/Clay community and in adjacent zoning jurisdictions; and
 - (c) include any other information that may be reasonably requested by the Director as necessary to evaluate the application.

25.15.03 Nonconforming Use. Any SOB in existence or operation in the Carmel/Clay jurisdiction as of the effective date of this amendatory ordinance¹¹ may constitute either a legal or an illegal Nonconforming Use under this Zoning Ordinance. If it is deemed to be a legal Nonconforming Use, such SOB is subject to *Chapter 28: Nonconforming Uses & Exemptions* of this Zoning Ordinance. If it is deemed to be an illegal Nonconforming Use, it is subject to the penalties provided in *Chapter 34: Zoning Violations* of this Zoning Ordinance.

25.15.04 Transitional Provisions. This paragraph applies to any application for a Variance to authorize an SOB which may be pending before the Board on the effective date of this amendatory ordinance.¹² The applicant may request that the Board treat such a Variance application as if it were a Special Use application filed pursuant to the above provisions of this *Section 25.15*. If the Board grants such a request, the application shall then be approved or rejected by the Board in accordance with *Section 21.04.01*. **This paragraph expires December 31, 2001.**

25.16 Model Homes¹³

25.16.01 Model Homes, which may include Temporary Sales Offices, may be permitted in all residential districts but only as a Temporary Use, subject to approval by the Director based on a finding that the Temporary Use will not detrimentally affect the health, welfare, safety, or morals of the neighborhood under construction for such Temporary Use.

25.16.02 The duration of a Model Home permit shall be fixed by the Director, for a term not to exceed eighteen (18) months. However, upon request, the Director may extend such a permit for

¹¹ Ordinance No. Z-365-01 effective November 27, 2001.

¹² Ordinance No. Z-365-01 effective Tuesday, November 27, 2001.

¹³ Section 25.16 adopted per Ordinance No. Z-365-01. Amended per Ordinance No. Z-366-01.

increments of six (6) months, so long as the Temporary Use in the aggregate does not continue for more than thirty-six (36) months.

25.16.03 The Director shall ensure, before issuing a Model Home permit, that:

- A. adequate access and off-street parking facilities will be provided,
- B. that public address systems will not be used,
- C. that flood lights and other lighting on the subject premises will be directed only upon those premises, and
- D. that a Certificate of Occupancy will be issued before the Temporary Use commences.

25.16.04 A Temporary Use authorized under *Section 25.16* is also subject to all other regulations of the applicable district.

25.17 Private Recreational Development or Facility.¹⁴

25.17.01 Commercial Swimming Pool.

- A. Minimum Area: Two thousand (2000) square feet.

25.18 Home Occupation.¹⁵

25.18.01 Standards Generally.

- A. Floor Area: Home Occupations shall utilize no more than fifteen percent (15%) of the gross floor area of the dwelling.
- B. Character:
 - 1. The Home Occupation shall not change the character of the Dwelling, Lot or parcel;
 - 2. The Dwelling shall not bear any indication from the exterior that it is being utilized in whole or in part for any purpose other than a Dwelling;
 - 3. The Home Occupation shall not be permitted outside storage or display of materials in connection with the Home Occupation;
 - 4. The Home Occupation shall not be permitted signs other than those normally permitted in the district in which the Home Occupation is located.
- C. Nuisance: The Home Occupation shall be conducted wholly within the Dwelling, such that there is no outside noise, vibration, odor, smoke, dust, glare or electrical disturbance.
- D. Employees. The Home Occupation shall employ no more than one (1) individual outside of the immediate family.
- E. Deliveries. The delivery of any materials for the Home Occupation will not exceed two (2) trips per day by any vehicle not owned by a family member.
- F. Equipment. The Home Occupation shall utilize only mechanical equipment that is customarily used for domestic purposes and is of a size and type that is similar to domestic mechanical equipment or is customarily found in a business office.

¹⁴ Section 25.17 adopted per Ordinance No. Z-366-01.

¹⁵ Section 25.18 adopted per Ordinance No. Z-369-02, §ba.

25.18.02 Excluded Uses:

- A. antique or gift shop;
- B. serving of food or beverages;
- C. animal hospital or commercial kennel;
- D. automobile repair;
- E. major appliance repair or services; and
- F. any processing or manufacturing that produces noxious materials or products.

25.19 Automobile Filling and Automobile Service Stations.¹⁶**A. Generally.****1. Setback.**

- a. Principal Building. Per primary zoning district.
- b. Pumps and Pump Islands. Minimum thirty (30) feet from residentially zoned or used property. May not be located within required yards.
- c. Accessory Buildings and Uses. See *Section 25.01*.

2. Lighting.

- a. Light standards may be located within the required Front Yard.
- b. Light standards shall be located a minimum of thirty (30) feet from residentially zoned or used property.
- c. Intensity. Lighting shall not cause illumination beyond any residential Lot Line or road right-of-way line in excess of 0.1 Footcandle of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of 0.3 Footcandle of light.

B. Automobile Filling Station.**C. Automobile Service Station.****25.20 Outdoor Storage.¹⁷**

Outdoor Storage shall be permitted only as an Accessory Use to the Primary Use on the same lot or tract of land.

25.20.01 Outdoor Storage shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*.

25.20.02 Outdoor Storage areas shall not encroach into any minimum required setback yard or into any drainage easement.

25.20.03 All Outdoor Storage shall provide a solid, opaque wall or fence of not less than six (6) feet in height measured at the highest finished grade to screen the view from any adjacent residentially zoned property or public right-of-way.

25.20.04 A chain link fence or a variation of a chain link fence combination shall not constitute an

¹⁶ Section 25.19 adopted per Ordinance No. Z-369-02, §bb.

¹⁷ Section 25.20 adopted per Ordinance No. Z-461-04, §c.

acceptable screening device to satisfy the requirements of subsection 25.20.03.

25.20.05 Materials stored behind any screening wall or fence shall be stacked no higher than one (1) foot below the top of the fence or wall. Vehicles, trailers, mobile machinery or equipment shall be permitted to exceed the height of such screening wall or fence, provided, however, that no vehicle, trailer, mobile machinery or equipment shall be used for, nor constitute, permanent storage.

25.21 Outdoor Display.¹⁸

As an Accessory Use to the Primary Use on the same lot or tract of land, a person conducting an established business in a building shall be permitted to display goods or merchandise and shall conform with all of the following requirements

25.21.01 Outdoor displays shall not exceed twelve (12) consecutive hours and shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*.

25.21.02 Areas designated for an Outdoor Display shall not exceed ten (10) percent of the total floor area of the structure occupied by the primary use to which such outdoor display is accessory, or 1,000 square feet, whichever is less.

25.21.03 Outdoor Displays shall not be located within nor encroach upon:

- A. Any public right-of-way;
- B. Any minimum required setback yard, unless otherwise approved by the Commission;
- C. Any drainage easement;
- D. A fire lane;
- E. A maneuvering aisle;
- F. A parking area.

25.21.05 Where located adjacent to a building and a parking lot, an unoccupied area of not less than five (5) feet in width shall be provided for pedestrian access between any Outdoor Display and vehicle overhang areas of any adjacent parking lot.

25.21.06 Signs associated with Outdoor Displays shall be prohibited.

25.21.07 Architectural Design, Exterior Lighting, Landscaping and Signage. To insure the compatibility of the proposed use with adjoining areas, the Commission shall review the ADLS application of any proposed Outdoor Display. The application shall include the types of merchandise and/or finished products, location, landscaping and other improvement of the display area. Once approved by the Commission, the ADLS shall not be materially or substantially changed or altered without the prior approval of the Commission. Plan Commission approval is required prior to the issuance of an Improvement Location Permit.

25.22 Sales, Outdoor, Temporary Use.¹⁹

As an Accessory Use to the Primary Use on the same lot or tract of land, a person conducting an established business in a building shall be permitted to temporarily display goods or merchandise and shall conform with all of the following requirements:

25.22.01 Outdoor Sales shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*,

¹⁸ Section 25.21 adopted per Ordinance No. Z-461-04, §d.

¹⁹ Section 25.22 adopted per Ordinance No. Z-461-04, §e.

such uses shall be allowed only as a Temporary Use, requiring a Temporary Use Permit.

25.22.02 Areas designated for Outdoor Sales shall not exceed five-percent (5%) of the area of the lot.

25.22.03 Areas designated for Outdoor Sales shall not be located within nor encroach upon:

- A. Any minimum required setback yard;
- B. Any drainage easement;
- C. A fire lane;
- D. A maneuvering aisle,
- E. A parking space or spaces necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

25.22.04 Outdoor Sales may be located within parking areas, provided it:

- A. Does not interfere with pedestrian or vehicular access or parking.
- B. Does not create a visibility obstruction to moving vehicles within a parking lot.

25.22.05 Goods or merchandise displayed in conjunction with an Outdoor Sale shall not exceed six (6) feet in height.

25.22.06 Only three (3) Outdoor Sales, Temporary Use permits shall be issued per property per year. Outdoor Sales, Temporary Use Permits shall be issued for a term of five (5) consecutive days per permit.

25.22.07 Signs for Outdoor Sales shall be prohibited except as provided by *Section 25.07.03-06: Signage for Temporary Uses* of this Ordinance.

25.22.08 Findings. The Director of Community Services may approve an application for Outdoor Sales, Temporary Use as specified in this section only upon making the following findings:

- A. The proposed use will not adversely affect adjacent structures and uses nor the surrounding neighborhood;
- B. The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;
- C. The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;
- D. The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

25.23 Special Event, Outdoor, Temporary Use.²⁰

25.23.01 Special Outdoor Events shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*, such uses shall be allowed only as a Temporary Use, requiring a Temporary Use Permit.

25.23.02 Areas designated for Special Outdoor Events shall not be located within nor encroach upon:

- A. Any minimum required setback yard;
- B. Any drainage easement;
- C. A fire lane;

²⁰ *Section 25.23 adopted per Ordinance No. Z-461-04, §f.*

- D. A maneuvering aisle.

25.23.03 Special Outdoor Events may be located within parking areas, provided:

- A. It does not interfere with pedestrian or vehicular access or parking.
- B. It does not create a visibility obstruction to moving vehicles within a parking lot.
- C. The site has adequate on and off-street parking for patrons of the Special Event as determined by the Director.

25.23.04 Duration of Special Events shall not exceed five (5) days per event. The Director may provide for a five (5) day extension.

25.23.05 Signs for Special Outdoor Events shall be prohibited except as provided by *Section 25.07.03-06: Signage for Temporary Uses* and *Section 25.07.04-01: Street Banners for Civic Events* of this Ordinance.

25.24 Sales, Seasonal Outdoor, Temporary Use.²¹

25.24.01 Seasonal Outdoor Sales shall only be permitted in the zoning districts as per *Appendix A: Schedule of Uses*, such uses shall be allowed only as a Temporary Use, requiring a Temporary Use Permit. Local non-profit organizations shall be exempt from all fees associated with this type of Temporary Use permit.

25.24.02 Areas designated for Seasonal Outdoor Sales shall not be located within nor encroach upon:

- A. Any minimum required setback yard;
- B. Any drainage easement;
- C. A fire lane;
- D. A maneuvering aisle,
- E. A parking space or spaces necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

25.24.03 Seasonal Sales may be located within parking areas, provided it:

- A. Does not interfere with pedestrian or vehicular access or parking.
- B. Does not create a visibility obstruction to moving vehicles within a parking lot.

25.24.04 Goods or merchandise displayed in conjunction with a Seasonal Outdoor Sale shall not exceed nine (9) feet in height.

25.24.05 Only one (1) Seasonal Outdoor Sales, Temporary Use permit shall be issued per property per year. Seasonal Outdoor Sales, Temporary Use Permits shall be issued for a term of thirty (30) consecutive days per permit unless otherwise approved by the Plan Commission.

25.24.06 Signs for Seasonal Outdoor Sales shall be prohibited except as provided by *Section 25.07.03-06: Signage for Temporary Uses* of this Ordinance.

25.24.07 Architectural Design, Exterior Lighting, Landscaping and Signage. To insure the compatibility of the proposed temporary use with adjoining areas, the Commission shall review the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) application of any proposed Seasonal Outdoor Sale. Once approved by the Commission, the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) shall not be materially or substantially changed or altered without the prior approval of the Commission. Plan Commission approval is required

²¹ *Section 25.24 adopted per Ordinance No. Z-461-04, §g.*

prior to the issuance of Temporary Use Permit. An applicant may continue to use an ADLS Approval to obtain subsequent Temporary Use Permits provided that the proposed Temporary Use is consistent with such ADLS Approval, including time limits.

25.25 Sale of Fireworks, Temporary Use.²²

25.25.01 The temporary sale of legal fireworks shall only be permitted in the zoning districts permitting General Retail Sales, as per *Appendix A: Schedule of Uses*; such uses shall only be permitted as a Temporary Use, requiring a Temporary Use Permit.

25.25.02 Legal fireworks shall only be sold from permanent structures meeting the conditions of the 2003 Indiana Building Code (sec 307.5) and 2003 Indiana Fire Code (sec 202).

25.25.03 Only one (1) Sale of Fireworks, Temporary Use Permit shall be issued per property per year. Sale of Fireworks, Temporary Use Permits shall be issued for a term not to exceed thirty (30) consecutive days.

25.25.04 Signs for Sale of Fireworks shall be prohibited except as provided by *Section 25.07.03-06: Signage for Temporary Uses* of this Ordinance.

25.25.05 Sale of Fireworks, Temporary Use Permits applications shall include:

- A. Three (3) copies of permit from Indiana State Fire Marshall;
- B. Three (3) copies of Proof of Insurance;
- C. Three (3) site plans illustrating the following:
 - i. Location of all structures;
 - ii. Public right-of-ways and easements;
 - iii. Parking spaces, parking lot circulation;
 - iv. Location of proposed temporary signage.
- D. Three (3) structure plans illustrating the following:
 - i. Location of the fireworks;
 - ii. Location of sprinklers and exits.

²² *Section 25.24 adopted per Ordinance No. Z-461-04, §h.*

**CHAPTER 25: ADDITIONAL USE REGULATIONS
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-307		December 18, 1996	December 18, 1996	
Z-318		July 7, 1997	July 7, 1997	
Z-320	39-97 OA	July 11, 1997	July 11, 1997	
Z-365-01	76-01a OA	November 5, 2001	November 27, 2001	25.02.10; 25.12.01(10); 25.12.02(4); 25.14(D)(3); 25.15; 25.16
Z-366-01	76-01b OA	n/a	November 28, 2001	25.07; 25.16; 25.17 Spring 2002 v2
Z-369-02	160-01 OA	April 1, 2002	April 1, 2002	25.01; 25.12.01(7); 25.13.01; 25.18; 25.19 Spring 2002 v2
Z-416-03	40-02 OA	November 17, 2003	November 18, 2003	25.14 Autumn 2003 v1
Z-461-04	04070029 OA	December 20, 2004	January 20, 2005	25.08; 25.20; 25.21; 25.22; 25.23; 25.24; 25.25 Winter 2005 v1
Z-486-06	05120002 OA	February 20, 2006	March 22, 2006	25.01; 25.02 Spring 2006 v1